

THE POLICE AND ELECTION ADMINISTRATION IN NIGERIA

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Abstract: *The role of the police in the conduct of elections in Nigeria has received considerable attention in the literature. While the police have continued to be blamed for some infractions in the electoral process, little attention has been paid to the constitutional power of security agencies in the electoral cycle. This study examines the role of the police in the electoral process in Nigeria. Data were obtained from official publication, textbooks, journals and newspapers. It identifies the police as the lead internal security agency charged with the responsibility of enforcing laws and maintaining order for the proper functioning of the electoral process. Provisions in the Electoral Act(Amendment),2015, specifically, sections 29 (3), 94 (4) and (5) were however identified as assigning vital security decisions to the Independent National Electoral Commission thereby undermining the effectiveness of the Nigeria Police Force in carrying out their responsibilities.*

Keywords: *Democracy, election administration, the electoral process, security, Nigeria Police Force*

1. INTRODUCTION

The need for adequate security in contemporary society cannot be over-emphasized as a paucity of security affairs does not only create an atmosphere for crime, it also usurps gloomy countries into severe economic recession and inflicts people with a low quality of life. Therefore, creating an environment conducive for peace and security of people and property is considered sacrosanct for the survival of good governance in all climes including Nigeria.

Apart from fighting crimes and subversive elements to ensure the safety of people and property, the police are meant to preserve the supremacy of law, equality before the law and fundamental human rights of the citizens. However, in Nigeria, the police have been a whipping agency of the citizenry since the emergence of the Fourth Republic in 1999. This is probably due to three reasons. First, crime has been a terrible problem affecting the peace and development of the nation. The efforts made by successive governments to curb the increasing rate of crime are yet to yield the expected results. Instead of crime reduction, criminal activities such as kidnapping, armed robbery, political violence, herdsmen-farmers conflict and ethno religious restiveness among others remain rampant creating a worrisome nightmare to Nigerians on a daily basis.

Second, people are skeptical about the ability of the police to protect them. This public dissatisfaction with the police performance explains the increasing resort of some wealthy individuals and organizations to private security alternatives in Nigeria (Soyombo, 2003). Apart from this, the delicate crime situation has led to the emergence of vigilante groups and neighborhood watch outfits in different parts of the country. Some of the ethnic militias such as the Bakassi Boys in the South East and the Odua People's Congress in southwest Nigeria over the years have come to be seen as more effective in the maintenance of law and order. Third, the role of the police in the electoral process has come under questioning. There have been frequent allegations that most police officers deployed for election duties often compromised their functions in favor of the ruling political party. Thus, rather than providing security for level playfield for all political actors, members of the police force are allegedly used by the ruling party to harass political opponents and manipulate election outcome (CLEEN, 2010).

The preoccupation of this paper is the examination of the role of the police in election administration in Nigeria. Apart from this introductory segment, the remainder of the paper is divided into four parts. The first part focuses on conceptual and theoretical issues. The second part delves into the constitutional role of the police in election administration in Nigeria while the third part discusses the constraints imposed on the police by the Electoral Amendment Act, 2015. The fourth part concludes the paper.

2. CONCEPTUAL AND THEORETICAL ISSUES

The word 'police' came from the Greek word 'polis' meaning city and from the Latin word 'political' meaning civil administration. Merging the two words shows that the word 'police' refer to the civil administration of the city. However, conceptualizing police in this sense would misrepresent the objective of this paper in different ways. First, it could mean a police state, which is not the notion of this paper. Second, the word civil is a concept that has to do with people and government behaving politely devoid of any military or religion connotation. Adopting this concept would also constitute some other nuances not intended for this work because of some imperfections associated with it. For example, we have a civil administration as against military administration, or it may mean cities Police administration only. In this sense, rural areas are not included.

Despite the observed definitional quagmire, this paper benefited from the views expressed by writers such as Shaw (2002), Clarke(1997), Alemika (2011) and others. For instance, Shaw (2002) posits that the ABC of police stands for the protection of lives and property with the prevention of crime and disorder. Shaw (2002) asserts that the ABC of police stands for the protection of lives and property with the prevention of crime and disorder. Clarke (1997) expresses the view that the police are those expected to do the impossible and to do it efficiently within their resources. He stresses the enormous responsibilities of the police and their unlimited powers ranging from the right to know more information about people than the average person needs to know. Alemika (2011) sees the police as the mirror with which the public view the intention and direction of government. He advances the view that the enormous powers of police are tailored towards adequate enforcement of law and order to maintain and sustain public safety and

orderly environment. He asserts that a country is useful when the police system is active and commands public confidence. In this manner, the police serve as a lens through which the direction of the government can be assessed.

From the preceding, the police exist for the maintenance of law and order in the society. In this context, the police have shared responsibility with the three principal organs of government. With the judiciary, the police exist for effective criminal justice administration, with legislature the police exist to ensure that the laws and regulations enacted are adequately enforced, and finally, the police are part of the executive arm of government in providing good governance through the provision of public peace and order. As custodian of laws and regulations, the police are meant to ensure the proper order of the society by making sure that everyone obeys the law of the land without prejudice.

There is no gainsaying that the establishment of the Nigeria police force was premised on the needs to promote internal security and socio-political order. It was in this sense that Abba (2014) alludes that the responsibility of modern police transcends the traditional roles of arresting, investigating, and prosecuting offenders to guaranteeing an enabling environment for economic development.

Before the commencement of colonial rule in Nigeria, various ethnic nationalities had different policing arrangements for the maintenance of law and order (Innocent, 1997). The modern-day Nigeria Police Force, however, is of British pedigree. Its history is rooted in the British colonial adventure in the area that constitutes modern Nigeria. Many writers traced the origin of the Nigeria police to the Colonial Constabulary forces established in different West African territories by the British colonial powers as an instrument of pursuing and protecting its commercial interests (Tamuno, 1970, Innocent, 1997, Omotola, 2007, Aper, 2018). Hence, the Northern Constabulary created in 1888 at Lokoja, the Royal Niger Coast Constabulary formed in 1894 at Calabar, and another colonial Police outfit established in 1896 at Ikeja in addition to the Lagos Colony created in 1861 were all the offshoot of the colonial Constabulary. Major political and administrative developments that took place in the colonial era affected the growth of the Colonial Police. For instance, the emergence of the Southern and Northern Protectorates in early 1900 led to the carving out of some parts of the Royal Niger Constabulary to create the Northern Nigeria Police Force, while some other parts of the Niger Coast Constabulary were carved out to form the Southern Nigeria Police force. (Alemika, 2005). Although the Southern and Northern Protectorates were amalgamated in 1914 to form present Nigeria as it were, the establishment of the national Police force took place on 31st April 1930. It should be noted that the colonial overlords established the colonial Police in Nigeria as an instrument of securing and protecting their interest in the area. However, it must be said that it was the era of the first indigenous Inspector General of Police in the person of Louis Okon Edet from 1964-1966 that efforts to indigenize the Nigeria police force were initiated.

This brief history of the Nigeria Police Force aptly shows that as at independence on 1st October 1960, the role of the post-colonial Nigeria Police Force was to ensure safety conditions necessary for internal sovereignty to thrive. Apart from the protective function of people and property through active maintenance of security, peace, and order,

the post-colonial Nigeria Police Force is meant to prevent and detect crime, apprehend and prosecute offenders, enforce laws and regulations as well as preserve laws and order in the Nigerian State.

Writers such as Omotola (2007), Oyadiran & Olorungbemi, (2015), Mgba (2017). Afolabi (2018) among others who have examined the role of the Nigeria Police in the electoral process have not painted the police in good form instead they have continued to decry their ineffectiveness. The police have been adjudged to be ineffective, and part of the explanations includes the issues of political influence and corruption which made the members of the Nigeria Police force to be partisan in their electoral responsibilities and functional incapacity to prevent electoral crime. In some cases, the police have been described as the main problem of election security rather than being the solution. (CLEEN, 2010). While some of these issues have received considerable attention in the literature, the argument presented in this study among other things is that though extant electoral laws and guidelines assigned the task of security or policing the electoral process to the police, these legal instruments equally contain provisions that limit the effectiveness of the police. Succinctly put, the Electoral Act of 2015 assigns the issue of security to the Independent National Electoral Commission (INEC), a development that has been undermining the professional conduct of the police in the electoral process.

3. THE CONSTITUTIONAL ROLE OF THE NIGERIA POLICE IN ELECTION ADMINISTRATION

In this study, election administration is used to describe the different activities involved in the conduct of elections which entails activities before, during and after the conduct of elections. It encompasses the election management bodies and extant rules and regulations that guide the electoral process (Ajayi, 2007). Though the legal instruments for election in Nigeria such as the 1999 Constitution, the 2006 Electoral Act, the Electoral Act, 2010 Amendment, and the Electoral Amendment Act, 2015 entrusted the task of conducting elections to the INEC, provisions in some of these legal instruments particularly the Electoral Act (Amendment), 2015 equally confer critical role on security agencies in the electoral process.

The conventional role of the police is to maintain peace and order in the society for people to have a sense of safety and order as earlier discussed, for people to go about their lawful businesses and other meaningful engagements for progress in all spheres of human endeavor. It is in line with this that Alemika (2013) describes police as the trusted public guardians, the custodians of the public peace, and the guarantors of public safety and order. In achieving this goal, the police have several duties to perform. For example, it must enforce all laws and regulations, detect and investigate crime, apprehend and prosecute offender, control crime and limit disorder, gather secret and intelligence information around the community, respond to crime and disorder, as well as preserve law and order. It is also the role of the police to liaise with the community members to know every development within the neighborhood to ensure that everyone lives within the ambit of the law, the functioning of things in the community and social life is a recap

of the role of the police in Nigeria's democratic governance. Succinctly put, the police remain critical for public safety and order (Okotoni, 2017).

For the avoidance of doubt, section 214 of the 1999 Constitution of Nigeria recognizes the Nigeria Police Force as the lead agency for internal security in the country (CFRN, 1999). It prohibits the existence of a parallel police force in any part of the federation. Section 4 of the Police Act and Regulations reinforces the provision of the constitution as it specifies the general functions of the police. According to the Act, the police are employed to prevent and detect crime, protect life and property, preserve laws and order, apprehend and prosecute offenders, enforce all laws and rules as well as performing other military duties within and outside the country as may be directed by the Act of National Assembly or any other relevant authority (Police Act, 2004).

Apart from the statutory functions of the Nigeria Police, there are specific functions which the law expected the Nigeria Police Force to perform primarily in the electoral process. These are contained in the legal instruments for elections in Nigeria already referred to. In ensuring that rule of law prevails, and the electoral process in Nigeria are conducted peacefully and orderly, the Nigeria Police Force has some specific roles that are not different from the routine policing functions already discussed. These include:

Making sure that all persons and property that will be involved, before, during, and after the voting exercise without bias or prejudice are safe Traffic and crowd management at the venue of political party congresses, conventions, campaigns rallies, and other activities relating to the elections. Strict enforcement of the Constitution of the Federal Republic of Nigeria, the criminal and penal codes as well as the electoral law.

Section 24 of the 2010 Electoral Act, Laws of the Federation of Nigeria (LFN) as amended directed the Nigeria Police Force to provide security in ensuring smooth conduct of election without any disturbance at polling units/stations, collation centres, counting of ballots, collations, and declaration of results. In precise terms, the police are expected to provide security and order within a political system which is conducive enough to guarantee hitch free and threat-free to people and the entire electoral processes before, during, and after the actual conduct of elections.

In Nigeria like other countries, one of the critical and primary activities of the election process is the delineation of constituencies. In preparation for the conduct of elections, the first task of the electoral body, that is, the INEC is to delineate the country into a reasonable number of constituencies properly. The nomination of candidates usually follows this exercise. Nearly in all the democratic nations, candidates are meant to contest elections on the platform of political parties though in some climes provisions are made for independent candidacy It is the role of each political party to nominate candidates to contest an election in each electoral constituency. In cases or situations where two or more members of the same party are aspiring to contest the election, an intra-party poll called primary-election is usually conducted by the party for members to choose the right candidate to contest the general elections.

Nomination of candidates is usually followed by campaign whereby political parties are permitted to publicize their manifestoes and inform the electorate about what they intend to do for the voters and why their candidates should be preferred to others. In

doing this, each party canvasses to win the sympathy and admiration of the masses with a full basket of sweet promises. Voting follows the campaign, and it is the climax of the electoral activity. Voters go to their polling units to cast their votes for candidates of their choice on the day slated for the actual voting. In doing this, electoral officers at all the polling units are provided with the voting material required for the exercise such as ballot papers, ballot boxes, ink and pad among others. Counting of votes takes place after voting. At each polling units after voting, the ballot boxes are opened for the counting of the ballot papers and party agents representing various aspirants at the polling unit are expected to witness and expected to attest to the results before conveying them to the final collation centre. The final stage is the announcement of election results and declaration of the winner. This stage is very crucial as all results from every polling station are collated and computed to ascertain the overall winner. When this is done, the electoral returning officer will announce the election results; declare the winner and issue certificate of return to the winner. It is usually at this stage that losers generally resort to unconventional means to register their grievances and displeasures about the outcome of the election and in most cases leading to violence. In each of the stages discussed above, it is glaring that the presence of security agencies is needed to maintain law and order, protect the election materials, protect electoral officers and provide an environment that would enable them to carry out their responsibilities.

Against the background of the preceding, the role of the police encompasses what they are expected to do before the election, during and after elections. Succinctly put, the role of the Police in the organization of elections covers all the stages or phases of the election which include constituency delineation, the nomination of candidates, campaign, voting, vote counting, compilation of results and the announcement of results as well as the declaration of the winners. By implications, the Police being the leading security agencies are expected to energetically exhibit proactive and reactive efforts towards public peace and safety. In other words, the police are concerned with the protection of the environment where the election is expected to be conducted; the electorates who are to vote in an election, and the officials who are to hold the election as well as the sensitive and non-sensitive materials meant for the election.

Concerning election administration in Nigeria, the responsibilities of the police are well captured in the 1999 Constitution as amended, the Electoral Act, 2006, Electoral Amendment Act, 2010, the Electoral Amendment Act 2015 as well as the various guidelines of the INEC and the Police Service Commission. While the various Electoral Acts stipulated the role of the Police, the Police Service Commission and INEC guidelines provided for what could be described as a code of conduct for police officers on election duties. They can also be subsumed under what Hounkpe and Gueye (2010) referred to as the 'behavioral, legitimacy, competence and resource requirements' for meaningful involvement of security officers in the electoral process. These guidelines include:

The requirement that police on election duties must be at alert and respond promptly to any incidence that could lead to disruption of voting and associated electoral processes.

- Approachability means that on police officers on election duty must be approachable to the voters who might need his /her assistance.
- Police officers must be conversant with the electoral law.
- Non-use of force by the police officer on election duty
- The need to communicate with superiors and commanders by police on duty and to write reports on situations that might to breaking down of law and order
- The police officer on election duty must be professional in his or her conduct and personal appearance
- Impartiality and fairness to all stakeholders in the election
- The requirement that name and number tags of police officers must be bold for easy identification and

The need to work in partnership with other stakeholders to have credible elections (CLEEN, 2011).

4. THE ELECTORAL ACT (AMENDMENT), 2015 AND THE ROLE OF THE POLICE IN THE ELECTORAL PROCESS

In Nigeria, the electoral cycle is often marked by conflict and controversies. It is usually not uncommon to see those who have lost elections condemning the electoral process and a time accusing the electoral umpire and security agencies of conniving with political opponents to manipulate the electoral outcome in favor of the ruling political party. In some cases, the intensity of conflict and high rate of insecurity challenges spawned by election outcome have resulted in the loss of life and property.

Regarding security agencies, allegations against the police are usually in the realm of their failure to arrest and prosecute political thugs and other people who contravened electoral laws and disorganized the electoral process. Since the birth of Nigeria's Fourth Republic in 1999, the neutrality of the police in the electoral process has been called to questions. The police have been seen to be partisan and discriminating against opposition and colluding and conniving with ruling political party to influence the outcome of elections (CLEEN, 2011). For instance, the 2014 Ekiti gubernatorial polls, the 2016 Edo elections, the 2016 Rivers re-run election and the 2018 gubernatorial elections in Ekiti and Osun were some of the elections that created the ugly picture of the police for their alleged role in undermining the sanctity of the polls. A case in point was the 2016 rerun election in Rivers State in which following the publicity and condemnations that trailed the election, INEC set up an administrative inquiry to probe what transpired. In the reports, security agencies were indicted. The police and other security outfits were seen to have compromised their neutrality and to have intentionally perverted the electoral process (Ndujihe, 2017).

We need to say that one of the critical requirements for effective election administration is the presence of clear electoral rules and guidelines not only for candidates and political parties but all stakeholders such as security agencies. Such laws and guidelines are supposed to spell out in clear terms what is expected from all stakeholders. In the Nigerian context, these laws and guidelines do not permit the police to act independently. Even in the face of the abysmal performance of the Nigeria police

on electoral duties seen to have been on the increase, the amended Electoral Act of 2015 seems to be defective in improving police proficiency and salvaging the poor public image of the force.

To have a credible electoral process, the Nigeria police ought to be at liberty to professionally determine when to be involved and the extent of involvement regarding providing security that is good enough for the proper conduct of an election. In doing this, the police as the lead of the nation's internal security agency should be able to synergise with other security agencies to establish the relevant area which their engagement is feasible for purposes of providing adequate security for the proper conduct of elections. Ironically, the Electoral (Amended) Act, 2015 principally states that:

Notwithstanding the provisions of any other law and for purposes of securing the vote, the Commission shall be responsible for requesting for the deployment of relevant security personnel necessary for elections or registration of voters and shall assign them in the manner determined by the Commission in consultation with the relevant security agencies: Provided that the Commission shall only request for the deployment of the Nigerian Armed Forces only for securing the distribution and delivery of election materials and protection of election officials. (Section 29(3)).

By implications, the police are not responsible for the determination and engagement of other security agencies, and yet, the police are the constitutional lead agency of internal security of the country. Relying on the provisions of the Electoral Act, the onus of security provisions is vested on the Independence National Commission (INEC) that decides whom to deploy, to where, and when. In doing this, it is expected to consult and make a request for the choice of security and their deployment.

Similarly, section 94 (4) and (5) of the Electoral (Amended) Act, 2015 redirect the Police role in the electoral process. The amended section 94 (4) states that: Notwithstanding any provision in the Police Act, the Public Order Act, and any regulation made there under or any other law to the contrary, the role of the Nigeria Police Force in political rallies, processions and meetings shall be limited to the provision of adequate security as provided in the subsection 1 of this section (Section 94(4)). The Electoral Act, 2015 further states that: For the avoidance of doubt, no registered political party in Nigeria, its aspirants or candidate shall be prevented from holding rallies, processions or meetings at any time for their constitutional political purposes, and the Police shall, in a consultative manner, resolve any conflict of time and venue between and amongst parties where such arises. (Section 94(5)).

From the provisions of the amended Electoral Act, (Amendment) 2015 stated above, more troubles were added to the Nigeria Police whose conduct has become questionable over the years. The implication of this is that the power of securing the electoral process in Nigeria does rest squarely on the shoulder of the Nigeria Police Force. In this instance, the Police have lesser share responsibility than Independent National Electoral Commission (INEC). Worst still is the aspect of the State Independent Electoral Commission (SIEC) that lives under the tutelage and sympathy of the State Executive Governor in Nigeria. This is the main reason in most states of the federation, the political party in power usually controls all the Local Government Councils of the

State and where a formidable opposition exists, political thugs are used in harassing undermine the electoral process for the interest of the ruling party.

5. CONCLUDING REMARKS

The structural and procedural dimensions of election administration ought to provide all stakeholders with a level playing field where they can freely exercise their political rights. However, over the years, part of the constraints to the democratic process in Nigeria is rooted in the inability to have a hitch-free, fair, and credible election. There has not been any election in Nigeria whose outcome has not been contested and accompanied by a series of litigations. Developments in the First, Second and the aborted Third Republics aptly showed the attitudes of the Nigerian political elite at capturing power at all cost. In the ongoing Fourth Republic, the narrative has not changed. The spirit of 'do or die' employed by most politicians in seeking elective positions has constituted a severe drawback to Nigeria democratic process.

The strengthening of all democratic institutions and structures is therefore critical to the enhancement of the integrity of the electoral process. In this context, an apolitical police force is needed to deepen democracy in Nigeria. One of the arguments is that currently, the organization of the police makes the force be essentially a federal agency that can be deployed as it pleases by the power that is at the Federal level. Some people have argued that there is the need to have State police, but critics are quick to remind them of how the police were turned to be an instrument for hunting political opponents in the First Republic.

Alemika (2011) describes the police as the mirror with which the public could view the intention and direction of government and that a country is useful when the policing system is effective, efficient, and command public confidence. This underscores the need for an effective and non-partisan Nigeria Police Force. A police force that is not seen as part of the administrative resources of the government in power. Moreover, there is the need to define precisely the role of the Police in the electoral process in a future amendment to the Electoral Act. A situation where INEC has the power to determine when, where and how to deploy security personnel does not give the Nigeria police force a free hand to discharge its constitutional responsibilities.

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